

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

HOUSE.

No. 124.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

AN ACT to establish the police court of the city of Belfast, and to abolish the Belfast municipal court.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. A police court shall be and hereby
2 is established in and for the city of Belfast, in the
3 county of Waldo, to be denominated the police
4 court of the city of Belfast, which shall be a court
5 of record, and have a seal, and consist of one
6 judge, who shall reside in said Belfast, and be
7 appointed and commissioned in the manner pro-
8 vided by the constitution; who shall have original
9 and exclusive jurisdiction in all civil actions where-
10 in the debt or damages do not exceed twenty dollars,
11 except where he is interested, in which both parties

12 interested, or in which the party plaintiff and the
13 person or persons summoned as trustees shall be
14 inhabitants of said Belfast, including prosecutions
15 for penalties in which said city is interested, and
16 actions of forcible entry and detainer, and all viola-
17 tions of the by-laws of said city, and concurrent
18 jurisdiction with trial justices within said county
19 in all other matters civil and criminal, which are
20 by law within the jurisdiction of trial justices in
21 said county, and original concurrent jurisdiction
22 with the supreme judicial court in all personal
23 actions where the debt or damages do not exceed
24 fifty dollars, and is over twenty dollars, and the
25 defendant or defendants are resident in said county
26 of Waldo; but this jurisdiction shall not include
27 proceedings under the divorce laws, complaints
28 under the mill act, nor proceedings under the bas-
29 tardy act. And any person aggrieved by any
30 judgment awarded by said judge, may appeal
31 therefrom to the supreme judicial court for said
32 county, in like manner as in trial justice courts.

SECT. 2. If any defendant in any action in said
2 court, where the amount claimed in the writ ex-
3 ceeds twenty dollars, or his agent or attorney,
4 shall, on the return day of the writ, file in said
5 court an affidavit that he has a good defence to

6 said action, and intends in good faith to make such
7 defence, and claim a jury trial, and shall at the
8 same time file his plea and deposit with the judge
9 one dollar for copies, to be taxed in his costs if he
10 prevails, the said action shall be removed into the
11 supreme judicial court for said county, and the
12 judge shall forthwith cause certified copies of the
13 writ, officer's return, and defendant's affidavit and
14 pleas, to be filed in the clerk's office of said
15 supreme court, and said action shall be entered on
16 the docket of the term next preceding said filing.
17 If no such affidavit is filed, the said police court
18 shall proceed and determine said action, subject to
19 the right of appeal in either party, as now provided
20 by law. The pleadings in such cases shall be the
21 same as in the supreme judicial court.

SECT. 3. It shall be the duty of said court to
2 make and keep its own records, which records
3 shall be such as would be legal records in a trial
4 justice's court. And certified copies of the records
5 of said court, shall be evidence in the courts of this
6 state. And said court shall be holden on the first
7 and third Mondays of each month, at nine o'clock
8 in the forenoon, at such place in the city of Belfast
9 as said city shall provide, for the transaction of
10 civil business, and all civil processes shall be made

11 returnable accordingly. And the fees in all actions
12 wherein the debt or damages exceed twenty dol-
13 lars, shall be one-half only allowed by law in the
14 supreme judicial court; and in all criminal matters
15 and civil actions where the debt or damages do not
16 exceed twenty dollars, shall be the same as legally
17 taxable by trial justices; *provided*, that the price
18 of blank writs signed by said judge, shall be two
19 cents, and no more. And all fines, penalties, and
20 costs awarded by said judge in criminal cases, shall
21 be accounted for and paid over by said judge in
22 the same manner as required of trial justices.

SECT. 4. In case of death or sickness, or other
2 disability of the said judge to attend at the time
3 and place mentioned in the preceding section, for
4 transaction of civil business, said court shall stand
5 adjourned until the next term, and so from term to
6 term, without costs to either party, until the judge
7 is able to attend. And during such disability, all
8 warrants issued by said judge may be returned by
9 the officer having the same, before any trial justice
10 in said county; and said justices are hereby author-
11 ized to hear and determine the same in like manner
12 as though the same had been originally returnable
13 before said justice.

SECT. 5. The city of Belfast shall have the
2 power, and it shall be its duty, to raise money to
3 provide a suitable room in which to hold said
4 court, and to furnish a seal for said court, and said
5 judge may collect and retain all fees arising in said
6 court, which shall be in full payment for his ser-
7 vices.

SECT. 6. All actions, suits, matters and things,
2 which may be pending before the Belfast municipi-
3 pal court, wherein the debt or damages do not
4 exceed fifty dollars, except where real estate has
5 been attached, and all writs, executions, warrants,
6 recognizes and processes, wherein the debt or
7 damages claimed do not exceed fifty dollars, except
8 wherein real estate is or was attached on the origi-
9 nal writ, returnable to the Belfast municipal court,
10 when this act takes effect, shall be transferred and
11 returned to and be entered, prosecuted, determined
12 and executed in and by the police court of the city
13 of Belfast, established by this act, the same as if
14 originated therein. And all civil actions, suits,
15 matters or things, pending in the Belfast municipal
16 court, and all writs, executions and processes,
17 where the debt or damages claimed exceed fifty
18 dollars, and all civil actions, suits, matters or
19 things, pending in said municipal court, and all

20 writs, executions, and processes, where the debt or
21 damages exceed twenty dollars, in which real
22 estate is or was attached upon the original writ,
23 shall be transferred and returned to, and shall
24 be entered, prosecuted, determined and executed
25 in and by the supreme judicial court within
26 said county, in the same manner and with the same
27 effect as if the same had originated in said supreme
28 court. And the said court hereby established,
29 shall be the depository of all records of the police
30 court heretofore existing in said city, and of the
31 records of the Belfast municipal court heretofore
32 existing in said city, of all criminal matters, and
33 all civil matters where the debt or damages do not
34 exceed fifty dollars, except where real estate was
35 attached upon the original writ, and shall have
36 full power and authority to issue and renew execu-
37 tions, and carry into effect any judgment of, and to
38 complete all processes and proceedings commenced
39 in or by said courts, as aforesaid, and to certify
40 and duly authenticate the records of said courts,
41 as effectually in all respects as said courts hereto-
42 fore existing could have done had this act not been
43 passed. And the supreme judicial court in said
44 county shall have like control, possession and
45 power over the records, executions, processes and

46 proceedings of the said Belfast municipal court,
47 wherein the debt or damages exceed fifty dollars,
48 or wherein the debt or damages exceed twenty
49 dollars, and real estate was attached upon the
50 original writ.

SECT. 7. Writs returnable to said police court
2 wherein the debt or damages do not exceed twenty
3 dollars, shall be duly served not less than seven
4 days nor more than sixty days before the return
5 day; and where the debt or damages exceed twenty
6 dollars, not less than fourteen days nor more than
7 sixty days before the return day.

SECT. 8. In all cases where the title to real
2 estate is raised by the pleadings the same proceed-
3 ings shall be had as before trial justices.

SECT. 9. Chapter twenty-six of the private and
2 special laws of the year eighteen hundred and
3 seventy-eight, relating to the police court of the
4 city of Belfast, is hereby repealed.

SECT. 10. This act shall go into effect on the
2 twelfth day of April, in the year of our Lord one
3 thousand eight hundred and seventy-nine.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, {
February 13, 1879. }

Reported from the Committee on Civil Service Reform, by Mr.
BROWN of Bangor, and ordered printed under the Joint Rule.

B. I. STAPLES, *Clerk.*